

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

As mandated by 2009 Iowa Acts, Senate File 389, this amendment increases the Medicaid income limit for pregnant women and for infants less than one year of age to 300 percent of the federal poverty level. It also eliminates an income deduction equal to 15 percent of the poverty level for infants and pregnant women, which had been used to effectively increase the previous income limit from 185 percent to 200 percent of the federal poverty level. Under this amendment, pregnant women will move from the IowaCare program to regular Medicaid unless they are ineligible for Medicaid due to excess resources.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217), but the Department has no authority to waive statutory language.

The Council on Human Services adopted this amendment on June 10, 2009.

The Department finds that notice and public participation are unnecessary, since these changes are mandated by state legislation and the Department has no alternative to their implementation. Therefore, this amendment is filed pursuant to Iowa Code section 17A.4(3).

The Department also finds that this amendment confers a benefit on the persons affected by raising the income limits for Medicaid eligibility. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of this amendment is waived.

This amendment is intended to implement Iowa Code section 249A.3(1)“f” as amended by 2009 Iowa Acts, Senate File 389, section 16.

This amendment becomes effective July 1, 2009.

The following amendment is adopted.

Amend subparagraph **75.1(28)“a”(1)** as follows:

(1) Family income shall not exceed ~~185~~ 300 percent of the federal poverty level for pregnant women ~~when establishing initial eligibility under these provisions~~ and for infants (under one year of age) ~~when establishing initial and ongoing eligibility~~. Family income shall not exceed 133 percent of the federal poverty level for children who have attained one year of age but who have not attained 19 years of age. Income to be considered in determining eligibility for pregnant women, infants, and children shall be determined according to family medical assistance program (FMAP) methodologies except that the three-step process for determining initial eligibility and the two-step process for determining ongoing eligibility, as described at rule 441—75.57(249A), shall not apply. “Family income” is the income remaining after disregards and deductions have been applied ~~in accordance with the provisions of as provided in rule 441—75.57(249A).~~

~~In determining eligibility for pregnant women and infants, after the aforementioned disregards and deductions have been applied, an additional disregard equal to 15 percent of the applicable federal poverty level shall be applied to the family’s income.~~

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